

## Chapter 35      Antennas and Wireless Communications Facilities

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### 11-35-1:      Purpose

The purpose of this Chapter is to provide a comprehensive set of requirements and standards for the development, siting, installation, and operation of wireless communications antennas and related facilities. These regulations are intended to protect and promote public safety, community welfare, and the aesthetic quality of the city consistent with the goals, objectives, and policies of the [General Plan](#) while providing for managed development of wireless telecommunications infrastructure, consistent with the [Federal Telecommunications Act](#) of 1996 and related requirements in State law. The specific objectives of this Chapter are to:

- A. Establish regulations and guidelines for the governance of wireless telecommunications facilities that recognize the unique land use distribution, topography, and aesthetics of the community while preserving the rights of wireless telecommunications providers;
- B. Protect residential areas and land uses from visual blight, safety impacts associated with attractive nuisance, and degradation of residential character;
- C. Promote the location of towers in non-residential areas and minimize the total number of towers throughout the community;
- D. Establish the joint use of new and existing tower sites as a primary option instead of construction of single-use towers;
- E. Locate towers and antennas in areas where the overall impact on the community is minimal, now and in the future; to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful aesthetic design, siting, landscape screening, and innovative camouflaging techniques;

- F. Enhance the ability of providers of wireless [telecommunications services](#) to construct necessary infrastructure to provide such services to the community quickly, effectively and efficiently;
- G. Avoid potential damage to adjacent properties from tower failure through careful siting of tower structures;
- H. Create and preserve telecommunication facilities that will serve as an important and effective part of the City's emergency response network;
- I. Promote fair and effective wireless communication services and ensure that a broad range of competitive wireless services with high quality telecommunications infrastructure are available to serve the community; and,
- J. Establish preferred locations and design preferences for the siting of [telecommunications infrastructure](#).

### 11-35-2: Applicability; Exceptions

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The regulations in this Chapter apply to all antennas and wireless communications facilities on property, other than the public right-of-way, with the following exceptions:

- A. **Amateur Radio Antennas.** Amateur radio antennas that do not exceed 75 feet in height when fully extended, are owned and operated by a federally-licensed amateur radio station operator who resides on the same property, and comply with the following requirements:
  - 1. Not located in the area between the front of a building and the front lot line or side street lot line or any required parking or loading area;
  - 2. Not exceeding a height of 10 feet within in a required side yard or required rear yard, or in any parking or loading area; and,
  - 3. Not more than one antenna structure on a lot may exceed a height of 30 feet.
- B. **Broadcast Antennas.** Direct broadcast, one-way multipoint distribution services, and television broadcast antennas that are one meter (39 inches) or less in diameter or diagonal measurement and are not located in the area between the front of a building and the front lot line, in a required side yard or required rear yard, or in any parking or loading area; and do not extend above the maximum permitted height of the zoning district.
- C. **Receive-only Antennas for Residential Uses in Any District and Non-Residential Uses in Residential Districts.** A single ground or building-mounted receive-only radio or television antenna that does not exceed the maximum height permitted in the district where it is located and is for the sole use of a resident who resides on the same property,

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including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

1. ***Satellite Dish One Meter or Less.*** A satellite dish one meter or less in diameter is allowed if it is not located in a required front yard or any other yard abutting a street and is not closer to the front lot line than the front line of the primary dwelling or other principal building subject to the following requirements, unless the [Zoning Administrator](#) approves an exception as provided for in [Chapter 66](#):
    - a. Maximum height of 10 feet within a required side or rear yard;
    - b. Maximum height of 75 feet within the buildable area of the lot; and,
    - c. Not more than one such structure per lot shall exceed a height of 30 feet.
  2. ***Satellite Dish Greater than One Meter.*** A satellite dish greater than one meter in diameter is allowed if it is not located within a required front yard or side yard abutting a street, and is screened from view from any public right-of-way and adjoining property.
- D. **Receive-only Antennas Non-Residential Districts.** A single ground or building-mounted receive-only radio or television antenna that does not exceed the maximum height permitted in the district where it is located and is for the sole use of a legally established business or other non-residential occupant of the same property, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:
1. ***Satellite Dish Two Meters or Less.*** A satellite dish that does not exceed 2 meters in diameter is permitted anywhere on a lot in a mixed use, commercial or industrial district so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of landscaping maintained as a condition of project approval. If more than one satellite dish of 2-meters or less is used for the same tenant, the dishes shall be screened from public view by a parapet or screening wall.
  2. ***Satellite Dish Greater than Two Meters.*** A satellite dish greater than 2 meters in diameter is permitted provided that it is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.
- E. **Pre-existing Towers.** Any tower or antenna for which a permit has been properly issued that was lawfully erected prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance unless there has been a cessation of

operations for 6 months. These towers and antennas shall be referred to in this ordinance as “pre-existing” towers or antennas and are allowed to continue as they presently exist, but will be considered lawful nonconforming legal uses subject to the [Chapter 36](#), Non-Conforming Uses, Structures, and Lots. Maintenance, reasonable repairs and alterations to existing towers and antennas are permitted if they do not enlarge or extend the tower structure or equipment enclosures or change the number, type, dimensions, power rating, or frequency range of the antenna or antennas. New facilities and all other alterations, modifications, and additions shall comply with the requirements of this Chapter.

**F. Exemptions.**

1. Any antenna or wireless communications facility that has been established pursuant to a permit issued by the [Federal Communications Commission](#) (FCC) when such permit or the FCC rules and regulations specifically provide that the antenna or facility is exempt from local regulation.
2. Any wireless communications facility or antenna structure that is designed and used exclusively for public safety purposes.

**11-35-3: General Requirements**

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- A. **Federal or State Requirements.** All towers and antennas must meet or exceed current standards and regulations of the [FCC](#), the [Federal Aviation Administration](#) (FAA), and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner’s expense.
- B. **Building Codes and Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the [Electronic Industries Association](#), as amended from time to time.

**11-35-4: Application Requirements**

In addition to meeting the standard application submittal requirements for zoning clearances specified in [Chapter 68](#), Zoning Clearance, or for [Special Use Permit](#) specified in [Chapter 67](#),

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Common Procedures, and [Chapter 70](#), Conditional Use Permits, applications for wireless communications facilities shall include the following:

- A. **Pre-application Meeting Required:** A pre-application conference with the City [Zoning Administrator](#), or their designees, is required prior to submittal of an application for wireless telecommunications facility, or proposed modifications to existing facilities. A minimum of one week before the meeting, the applicant shall provide a description of the location of the facility, a conceptual summary of the project, and a draft sketch of the site plan and elevation of the project. At the pre-application meeting, the [Zoning Administrator](#) or designee shall provide a list of submittal requirements for that project, based on the requirements of this ordinance, the land use activities occurring at this site and in the immediate proximity of the site, suggestions for increasing the compatibility of the facility with the existing or planned activities taking place on surrounding properties, and increasing the aesthetic quality of the facility
- B. **Map and Inventory of Existing Sites.** Each applicant for an antenna or antenna structure shall provide to the [Planning Division](#) an inventory of the service provider's existing facilities that are either within the jurisdiction of the City or within one-quarter mile of the City's border, including a map showing the location of the provider's existing facilities that serve customers in Mesa and adjacent areas and the specific site that is the subject of the application. The inventory shall provide specific information about the location, height, power rating, frequency range, and design of each facility or tower structure. The [Planning Division](#) may share such information with other applicants applying for administrative approvals or use permits under this Chapter or other organizations seeking to locate antennas within the jurisdiction of the City; provided, however, that the [Planning Division](#) is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- C. **Description of Proposed Facility.** Each applicant shall provide:
  1. A site plan, plans, and elevations drawn to scale that identify all antennas by type (e.g. microcell; ground- building- or roof-mounted, etc.) and all related equipment. Elevations shall include all structures or locations on which facilities are proposed to be located.
  2. A description of the proposed approach for screening or camouflaging all facilities from public view including plans for installation and maintenance of landscaping, sample exterior materials and colors, and an explanation of the measures by which the proposed facility will be camouflaged or rendered not readily visible. If any part of the proposed facility would be readily visible, the application shall explain why it not possible to further reduce its visual impact. Any representation that the use of state of the art design techniques and technology is not feasible shall be supported by technical and financial analysis.

3. If any part of the facility will be readily visible from the public right-of-way or from surrounding properties, a visual impact analysis of the proposed wireless communications facility, including scaled elevation diagrams within the context of buildings on and adjacent to the site of the facility, before and after photo simulations, and a map depicting from where the photos were taken. The [Zoning Administrator](#) may require the submission of photo overlays, scaled models, renderings, or mockups to document the effectiveness of techniques proposed to minimize visibility of the facility.
4. When an applicant proposes anything other than the most favored siting and design approach based on the preferences and priorities established in [Section 11-35-5\(A\)](#) and [\(B\)](#), the application must include technical information demonstrating that a higher ranked option is not technically feasible in light of the provider's service objectives.
5. If a new ground-mounted facilities or a tower is proposed, the application must include an explanation as to why co-location or other facility types are not feasible to meet the provider's service objectives.

D. **Compliance Verification.** Each applicant shall provide:

1. Copies of, or a sworn statement by an authorized representative of the applicant, that applicant holds all applicable licenses or other approvals required by the [Federal Communications Commission](#) (FCC) and any other agency of the Federal or State government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility.
2. Documentation of, or a sworn statement by an authorized representative of the applicant, that applicant is in compliance with all conditions imposed in conjunction with such licenses or approvals, a description of the number, type, power rating, frequency range, and dimensions of antennas, equipment cabinets, and related wireless communications facilities proposed to be installed, and engineering calculations demonstrating that the proposed facility will comply with all applicable [FCC](#) requirements and standards.

E. **Peer Review.** The application shall include sufficient information for an approved radio frequency specialist or electrical engineer specializing in [Electromagnetic Field](#) (EMF) or [Radio Frequency Radiation](#) (RFR) studies (hereinafter, "an approved specialist") retained by the City to provide peer review of the information submitted in response to subdivisions [C](#) and [D](#) of this Section.

1. The application shall also include an agreement to pay the reasonable actual cost and a reasonable administrative fee for hiring an approved specialist to provide peer review.

2. Any proprietary information disclosed to the City or its specialist in confidence is not intended to be included in a public record and shall remain confidential and not be disclosed to any third party without the express consent of the applicant unless such disclosure is required by law. The City and/or its specialist shall return all proprietary information to the applicant and not retain any copies of such information once its decision is final. Notwithstanding the above, information provided to the City may be subject to public disclosure under the Arizona public records law.
- F. **Financial Assurances.** Prior to obtaining a building permit to erect or install the proposed facility, the applicant shall either secure a bond or provide financial assurances, in a form acceptable to the [City Manager](#), for the removal of the facility in the event that its use is abandoned or the approval is otherwise terminated.
- G. **Other Information.** The [Zoning Administrator](#) may request additional information when it is deemed necessary to process the application in compliance with the requirements of this Chapter. This may include, but is not limited to,
1. Information concerning noise that might be generated by equipment associated with a wireless telecommunication facility, such as air conditioning equipment,
  2. Photographs of the existing circumstances and context found at the proposed facility to assess what if any conditions may be needed to assure compatibility with surrounding land uses.
  3. Additional photographic simulations from site angles specified by the [Zoning Administrator](#).
  4. General information about potential alternative sites considered in addition to the proposed location.
- H. **Site Plan Review Required.** Any application proposing the placement of communications equipment on or within architectural forms added to existing structures and which may involve a height exception that requires review by the [Planning & Zoning Board](#) shall be made in accordance with the procedures in [Chapter 69](#), Site Plan Review, of this Ordinance.

### 11-35-5: Location, Design, and Operation Requirements

The following requirements apply to all wireless communications facilities that are not exempt from regulation under this Chapter unless the decision-making authority approves a [Special Use Permit](#) pursuant to [Chapter 70](#), Conditional Use Permits.

- A. **Location Preferences.** The preferred locations for wireless communication facilities are in the following order:



1. On existing non-residential structures such as buildings, communication towers, or utility facilities located more than 300 feet from a residential zone, without modification to the structures.
  2. On existing signal, power, light or similar kinds of permanent poles located more than 300 feet from a residential zone.
  3. Co-located with existing wireless telecommunication facilities that conform to the requirements of this Ordinance.
  4. Limited, General and Heavy Industrial Districts sites more than 300-feet from a residential zone.
  5. Camouflaged, stealth, or building-mounted facilities in Limited and General Commercial Districts or in Planned Employment Park Districts.
  6. Camouflaged, stealth or building-mounted facilities on non-residential structures, including monopoles, in any Agricultural or Residential District.
- B. **Design Preferences.** The preferred design approaches for new wireless communication facilities are in the following order:
1. Building or structure mounted antennas designed and sited to be completely concealed from view or not readily visible because of integration into design of non-residential buildings or structures erected and approved for use other than as wireless telecommunications support. Examples of antennas completely integrated into the structure include existing parapet replacements, bell towers, steeples, clock towers and cupolas.
  2. Building or structure mounted antennas set back from roof edge, concealed and not visible from the public right-of way or from surrounding residential properties or minor faux-structural alterations. Examples include faux penthouses and parapet additions.
  3. Building or structure mounted antennas below roof-line (façade mount, pole mount) visible from public right-of-way but artistically integrated into the existing structure and painted to match existing structure.
  4. Freestanding camouflaged structures visible from public right-of-way and from surrounding residential properties. Examples include steeples, sculptures and clock towers.
  5. Building or structure mounted antennas above the roof-line visible from public right-of-way or from surrounding residential properties behind frequency-transparent panels.
  6. Freestanding stealth tree, such as monopalm.



7. Freestanding monopoles or other antenna towers.
- C. **Location of Facilities.** Wireless telecommunication facilities shall be located where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and in compliance with the following requirements.
1. No new facility shall be sited on or above a ridgeline.
  2. Within [Residential](#) and [Mixed Use](#) Districts, no new freestanding antenna structure, including towers, lattice towers, and monopoles, shall be located within 1,000 feet of another freestanding facility unless mounting on a building or co-location on an existing pole or tower is not feasible and techniques have been used to camouflage, screen, or otherwise minimize the visual impact of the facility to the extent feasible.
  3. Within [Commercial](#) and [Employment Districts](#), new freestanding antenna structures, including towers, lattice towers, and monopoles, may be located within 1,000 feet of another freestanding facility, provided a stealth or camouflaged design is used.
  4. Ground-mounted wireless telecommunication facilities shall be located in close proximity to existing above-ground utilities, such as permanent electrical towers, light poles, trees of comparable heights, and in areas where they will not detract from the appearance of the City.
  5. Facilities may only be located on a property zoned for a residential or agriculture use if the antennas, antenna structures, and all related equipment can be sited to comply with the setback and separation requirements of this Chapter. Exceptions of up to 30% of the setback and up to 75% of the separation requirements may be considered as part of a [Special Use Permit](#) request when the application includes stealth or camouflaged facilities.
- D. **Height of Facilities.** The height limitations for each zoning district applicable to buildings and structures shall apply to all towers and antennas that are not exempt from regulation except as provided in this Chapter. The height of building-mounted antennas shall include the height of that portion of the building on which the antenna is mounted. In determining the height of portable “crank-up” or similar towers whose height is adjustable, the height of the tower shall be the maximum height to which it is capable of being raised.
1. Roof-mounted or facade-mounted antennas proposed on an existing building, or on a tower, pole or other structure shall not extend or project more than 15 feet above the existing height of the building or structure.

2. Antenna support equipment for stand-alone facilities (not attached to a building) shall be screened by a minimum 6-foot high masonry wall unless placed within a fully enclosed building. When placed in a building, the building design shall be no taller than one (1) story or 15 feet in height with elevations designed and constructed in a manner compatible with building designs typically found in the area.
  3. Antenna support equipment that is roof mounted shall meet the screening requirements specified in [Section 11-30-9](#) of this Ordinance.
- E. **Required Separation and Setbacks.** Antenna structures and antennas that are not exempt from regulation under this Chapter shall be setback from property lines and separated from other antenna structures in compliance with the following requirements.
1. Antenna structures other than alternative antenna structures must be set back from any property in residential use a distance equal to the twice the height of the structure. Alternative antenna structures shall be setback from residential uses a distance equal to the height of the structure plus one (1)-foot.
  2. Antenna structures, including alternative antenna structures, must be set back from public right-of-way a distance equal to the height of the structure plus one foot.
  3. In Non-Residential Districts, all free-standing antenna structures, except for alternative tower structures, must be at least 1,000 foot feet from another free-standing antenna structure, unless appropriate camouflage or stealth techniques have been used to minimize the visual impact of the facility to the extent feasible and mounting on a building or co-location on an existing facility is not feasible.
  4. All wireless communications facilities and related equipment shall comply with the required building setbacks for the zoning district in which the facility is located. However, in no instance shall the facility (including antennae and equipment) be located closer than 5 feet to any property line. Exception: Antenna support equipment that is not placed within enclosed buildings provided the surrounding security wall complies with the maximum fence height requirements as found in [Section 11-30-4](#), Fences and Freestanding Walls.
- F. **Design Standards.** Antennas, antenna support structures, and related equipment shall be located, designed and screened to blend with the existing natural or built surroundings and existing supporting structures.
1. Facilities that are not camouflage or stealth shall close mount all panel antennas.

2. Stealth or camouflaged facilities shall not have antenna mounts that extend beyond the outside edge of the materials used to provide the stealth or camouflage design.
3. When freestanding, non-stealth tower elements are used, antennas and support structures, where utilized, shall be monopole type.
4. Monopole support structures shall not exceed 4 feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.
5. Wireless telecommunications facility support structures and antennas shall be a non-glossy color and/or exterior finish so as to minimize visual impacts from surrounding properties. Example: galvanized steel for freestanding, non-stealth facilities; fiberglass artificial bark cladding for stealth tree-like facilities.
6. All facilities shall be designed and located to minimize their visibility to the greatest extent feasible. All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right-of-way or from the habitable living areas of residential units within 100 feet shall incorporate appropriate techniques to disguise the facility and/or blend into the surrounding environment, to the extent feasible. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting.
7. No telecommunications antenna or ancillary support equipment shall be located within a front or corner side setback except for facilities that are completely placed within sub-grade vaults no higher than the maximum height of a fence within a street or front setback, pursuant to [Section 11-30-4](#), Fences and Freestanding Walls.
8. Support structures and site areas for wireless telecommunications antenna shall be designed and of adequate size to allow at least one additional wireless service provider to co-locate on the structure. Stealth facilities are exempted from this requirement.
9. Towers shall not be artificially lighted unless required by the [FAA](#) or other applicable government authority. All objects affecting navigable airspace must comply with [Federal Aviation Regulation Section 77](#) and must be in conformance with the current restrictions for land within one mile of a runway.
10. All proposed fencing shall be constructed of masonry, and provide decorative texture, color and design in a manner compatible with the adjacent buildings and properties within the surrounding area and shall be designed to limit graffiti.

11. Within the Desert Uplands area, as defined on page 33 in [Section 9-6-5\(A\)](#) of the [Mesa City Code](#), [Desert Uplands](#) design standards shall apply, including compatibility of [stealth](#) and camouflage facilities with the list of approved landscape plant materials.
- G. **Required Signs.** A permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence surrounding the facility or, if there is no fence, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.
- H. **Required Landscaping.** Sites with antennas, antenna support structures, and related equipment shall be landscaped with a buffer of plant materials that effectively screens views of the base of support structures and equipment facilities from adjacent residential property or from any public right-of-way, path or trail.
1. The standard buffer shall consist of a continuous landscaped strip with a minimum radius of 4 feet around the perimeter of the installation.
  2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, towers sited on large lots, natural vegetation around the property perimeter may serve as a sufficient buffer.
  3. Street trees and other landscaping may be required for telecommunications facilities proposed on lots lacking street frontage landscaping.
  4. As determined by the context of the site and design preference proposed, additional landscaping, such secondary plantings of trees similar in appearance to the stealth design of the telecommunications facility, may be conditioned as part of the approval to mitigate the visual impact of the facility.
- I. **Operation and Maintenance Standards.** All wireless communications facilities shall at all times comply with the following operation and maintenance standards.
1. Wireless telecommunications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter, graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than 48 hours from the time of notification by the City.

2. The owner or operator of a facility shall be responsible for maintaining landscaping in accordance with the approved landscape plan and for replacing any damaged or dead trees, foliage, or other landscaping elements shown on the approved plan. Amendments or modifications to the landscape plan shall be submitted to the [Zoning Administrator](#) for approval.
3. Each facility shall be operated in a manner that will minimize noise impacts to surrounding residents and persons using nearby parks, trails, and similar recreation areas.
  - a. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, excluding holidays.
  - b. All air conditioning units and any other equipment that may emit noise that would be audible from beyond the property line shall be enclosed or equipped with noise attenuation devices to the extent necessary to ensure compliance with applicable noise limitations in [Title 6, Chapter 12](#) of the [Mesa City Code](#).
  - c. Backup generators shall only be operated during periods of power outages or for testing. Any testing of the backup generators should occur during daylight hours.
  - d. For the protection of emergency response personnel, each telecommunications facility shall have an on-site emergency “kill switch” to de-energize all [RF](#)-related circuitry and components at the site. For collocation facilities, a single “kill switch” shall be installed that will de-energize all carriers at the facility in the event of an emergency.

#### **11-35-6: Review and Approval Procedures**

- A. The following wireless communication facilities are permitted by right with a Zoning Certificate issued under the provisions of [Chapter 68](#), Zoning Clearance, if they comply with all applicable requirements of [Section 11-35-5](#). All other facilities that are not exempt from regulation require approval of a [Special Use Permit](#) by the [Zoning Administrator](#) or [Board of Adjustment](#), pursuant to [Chapter 70](#), Conditional Use Permits and this Section:
  1. The following facilities when located on a property in non-residential use in any Commercial or Industrial District:
    - a. Any microcell facility.

- b. Any antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed the maximum height of zoning district in which it is located, or when attached to existing street light, or utility poles.
  - c. Any camouflaged facility designed and built to appear as an architectural element of an existing building, or as an architectural structure designed to be consistent with the approved design theme for the development site, provided:
    - i. All materials and design elements used in the camouflaged design are compatible with the approved materials, colors and design of the buildings and structures used for the development site;
    - ii. The overall height of the camouflaged facility is no higher than twice the maximum height permitted for the zoning district;
    - iii. The facility is a minimum distance of twice the proposed height of the facility from a [Residential Zoning District](#).
2. The following facilities when located on a property in non-residential use in any [Industrial District](#):
- a. Any free standing antenna structure and its supporting tower, pole, or mast that complies with all applicable setback ordinances, provided:
    - i. The overall height of the antenna and its supporting structure does not exceed a height of 70-feet; and
    - ii. The location of the facility is a minimum of 300-feet from a residence.
  - b. Freestanding [Stealth](#) facilities provided the overall height of the facility (not including stealth related masking features for antennas and antenna mounts) and its supporting structure does not exceed and height of 70-feet.
3. The following facilities when located on a property in any zoning district:
- a. Any building mounted facility, including roof mounts and wall mounts, provided any additional height required for the facility is less than 15-feet above the height of the existing building.
  - b. Any co-located facilities mounted on existing freestanding poles or towers, provided:

- i. Any additional height required for the facility is less than 15-feet above the initial approved height of the pole or tower;
    - ii. The existing number of communication providers with facilities on the pole does not exceed 3. Co-location of a fourth provider shall require approval of a [Special Use Permit](#).
  4. Undergrounding Required. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.
- B. All requests for [Special Use Permit](#), height exceptions, or Zoning Clearance review shall follow the procedures set forth in [Article 7](#), Administration, and the following requirements:
1. Any application that proposes construction of a new antenna structure or alternative tower structure or placement of a new antenna on an existing structure of any type shall require a pre-application meeting with [Planning Division](#) staff. This meeting is intended to provide significant preliminary information on the project, discuss development alternatives, and determine the appropriate review procedure.
  2. Any application that proposes construction of a new antenna structure or alternative tower structure or involves the placement of any type of communications equipment on or within an architectural form that requires an exception to a height limit shall require review by the [Planning & Zoning Board](#).
- C. The [Zoning Administrator](#) may approve the following modifications to existing structures provided the modification is consistent with the requirements of this Chapter and any applicable conditions of approval of a [Special Use Permit](#).
1. The use of a single tower by multiple carriers unless conditions of the Special Use Permit specify otherwise.
  2. An increase in the height of an existing antenna support structures that does not exceed 10 feet, provided, the increase in height is used to facilitate the co-location of another communications provider on the same structure and does not exceed the maximum height set forth in other applicable City requirements for a tower on that site.
  3. An application for building-mounted equipment provided the request is consistent with the requirements of this Chapter and other applicable City requirements and will not increase the height of an existing structure by more than 15 feet.



- D. Approval of a [Special Use Permit](#) by the [Zoning Administrator](#) acting as a [Hearing Officer](#) or [Board of Adjustment](#) is required for the following:
1. Any proposal for a new, freestanding communications facility or to increase the height of an existing antenna support structure greater than 15-feet in any agricultural or residential district;
  2. Any application for a building or roof-mounted structure that would exceed the height of the existing structure by more than 15 feet, except applications as listed in [Paragraph A](#), above; and
  3. Any application that proposes an exception to any applicable requirement in [Section 11-35-5](#).
- E. In addition to any other findings that this Ordinance requires, in order to approve any [Special Use Permit](#) for a facility subject to regulation by this Chapter, the decision-making authority must find, based on substantial information in the record including, where required, technical analysis by an approved radio frequency engineers, calculations by a State-licensed structural engineer, or other evidence that:
1. The proposed [telecommunication facility](#) will comply with all applicable state and federal standards and requirements;
  2. The proposed project is consistent with the general requirements of this Chapter and any specific requirements applicable to the proposed facility;
  3. The proposed antenna or related facility, operating alone and in conjunction with other telecommunications facilities, will comply with all applicable state and federal standards and requirements; and either:
    - a. Will not be readily visible; or
    - b. Will be readily visible, but it is not feasible to incorporate additional measures that would make the facility not readily visible.
  4. The facility, if it is not a microcell or co-located, is necessary to prevent or fill a significant gap in coverage or capacity shortfall in the applicant's service area, and is the least intrusive feasible means of doing so;
  5. If the proposed facility is a satellite dish or parabolic antenna exceeding 39 inches in diameter, that a smaller or less intrusive antenna cannot feasibly accomplish the provider's technical objectives and that the facility will not be readily visible;
  6. If a new antenna support structure is proposed or the applicant proposes to extend the height of an existing tower, that the applicant has made good faith

and reasonable efforts to locate a [telecommunication facility](#) on a support structure other than a new monopole or lattice tower or to accomplish co-location and that no existing tower or structure in the vicinity can accommodate the applicant's proposed antenna;

7. If a modification of height, separation, setback, landscaping or other requirements of [Section 11-35-5](#) is proposed, that the proposed modification is consistent with the purposes of this Chapter and will be the least intrusive feasible means of meeting the service provider's objectives;
8. If the proposed location is in a Residential district that the location is necessary for the provision of personal wireless services to Mesa residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City based on substantial evidence that siting the facility outside of a Residential district is infeasible and without the proposed facility, the operator will be unable to provide personal wireless services to its customers in the proposed coverage area, or unable to provide the capacity necessary to meet call volumes
9. If the proposed location is readily visible from the habitable area of a dwelling unit within 300 feet or from a public right-of-way, public park, or other public recreation or cultural facility, that:
  - a. It is not feasible to provide the service at another location or to incorporate additional measures such as a decrease in height, increase in the number of number of facilities, increase in setback, change in design, relocation relative to other structures or natural features, that would further reduce its visibility; and
  - b. The proposed [telecommunication facility](#) provides an important link in applicant's service area build-out and is necessary to meet its service needs to City residents.
- F. The [Zoning Administrator Hearing Officer](#) or [Board of Adjustment](#) may waive or modify requirements of this Chapter upon advice of the [City Attorney](#) that denial of the application would have the effect of prohibiting the provision of telecommunications services, unreasonably discriminating among service providers, or constituting any other violation of State or Federal Law. The applicant shall have the burden of proving that the denial or requirement for compliance would violate applicable Federal or State Law.

### **11-35-7: Cessation of Operations**

- A. The service provider shall notify the [Zoning Administrator](#) of the intent to vacate a site at least 30 days prior to the vacation. The permit for any antenna or tower that is not

operated for a continuous period of 12 months shall be deemed lapsed and the site will be considered abandoned unless:

1. The [Zoning Administrator](#) has determined that the same operator resumed operation within 6 months of the notice; or
  2. The [Planning Division](#) has received an application to transfer the permit to another service provider.
- B. No later than 90 days from the date the use is discontinued, the owner of the abandoned antenna or tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application or as required by the [Zoning Administrator](#). The provider or owner may use any bond or other assurances provided by the operator under [Section 11-35-4\(E\)](#) to do so. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.
- C. If the antenna or tower is not removed within the time limits stipulated in subsections A and B, the site shall be deemed to be a nuisance and [Zoning Administrator](#) may cause the antenna or tower to be removed at the owners' expense or by calling any bond or other financial assurance provided to the City under [Section 11-35-4\(E\)](#) to pay for removal. If there are 2 or more service providers using a single tower, then the abandonment period shall not begin until all service providers have ceased using the tower.

The requirement for removal of equipment in compliance with this Section shall be included as a provision in any lease of private property for wireless communication facilities.